

1                   IN THE UNITED STATES DISTRICT  
2                   FOR THE WESTERN DISTRICT OF TENNESSEE  
3                   WESTERN DIVISION

---

4                   UNITED STATES OF AMERICA,

5                                   Plaintiff,

6                   vs.

NO. 21-cr-20092-TLP

7                   ROY EDWARDS,

8                                   Defendant.

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9                                   MOTION TO SUPPRESS

10                                  BEFORE THE

11                                  HONORABLE THOMAS L. PARKER

12  
13                                  September 8, 2021

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16  
17  
18                   CATHERINE J. PHILLIPS, FAPR, RMR, CMRS  
19                                   OFFICIAL REPORTER  
20                                  FOURTH FLOOR FEDERAL BUILDING  
21                                  MEMPHIS, TENNESSEE 38103  
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A P P E A R A N C E S

Appearing on behalf of the Plaintiff:

NEAL OLDHAM, ESQUIRE  
U.S. Attorney's Office  
167 N. Main Street, Suite 800  
Memphis, TN 38103  
901.554.4231  
neal.oldham@usdoj.gov

Appearing on behalf of the Defendant:

KAFAHNI NKRUMAH, ESQUIRE  
Federal Public Defender - Memphis  
200 Jefferson Avenue, Suite 200  
Memphis, TN 38103  
901.544.3895  
kafahni\_nkrumah@fd.org

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Wednesday

September 8, 2021

The MOTION TO SUPPRESS in this case began on this date, Wednesday, September 8, 2021, at 1:41 p.m., when and where evidence was introduced and proceedings were had as follows:

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THE COURT: Good afternoon.

MR. NKRUMAH: Good morning, Your Honor.

MR. OLDHAM: Good afternoon.

THE COURT: This is in the matter of the United States versus Roy Edwards. Mr. Oldham is here on behalf of the United States. Mr. Edwards is present in the courtroom. Good afternoon. And Mr. Nkrumah is here with Mr. Edwards.

This is a motion to suppress. It's a motion to suppress evidence in connection with the arrest of Mr. Edwards. I guess it was in March of 2021.

I did receive a copy of the video, which appears, to me, to be video from the store where the arrest took place. And I've watched that. So just letting everybody know that I've seen the video. I know you've got to make your record, but I have looked at it.

MR. OLDHAM: Your Honor, this is Special Agent

1 Phil Singer of the ATF. Do you mind if he sits at counsel  
2 table?

3 THE COURT: No, not at all.

4 MR. OLDHAM: Thank you, Judge.

5 THE COURT: Sure.

6 So I have reviewed the video. So I think I  
7 know -- I've read the briefs, obviously.

8 So, Mr. Nkrumah, are you ready to proceed?

9 MR. NKRUMAH: Yes, we are, Your Honor.

10 THE COURT: Mr. Oldham, are you ready?

11 MR. OLDHAM: Yes, Your Honor.

12 THE COURT: All right. Well, I don't know, do  
13 y'all want to be heard with any kind of opening statement or  
14 anything, or do you want to dive right in?

15 MR. NKRUMAH: Diving right in is fine.

16 MR. OLDHAM: I agree, Your Honor, just calling  
17 the witnesses, if you don't mind.

18 THE COURT: That's fine.

19 MR. OLDHAM: Government calls Sergeant Martin,  
20 Your Honor.

21 (Whereupon, Sgt. Tuboris Martin duly sworn.)

22 THE WITNESS: I do.

23 CASE MANAGER: Please take the witness chair.

24 THE COURT: You need batteries?

25 We're going to get the microphone squared away.

1 We'll be right with you. Whenever we need them, the  
2 batteries are always dead. You need batteries?

3 CASE MANAGER: Yes, all of them need it.

4 THE COURT: Whatever you were working with right  
5 there sounded like it was working.

6 CASE MANAGER: It's going to go off.

7 THE COURT: Okay. We'll try it.

8 Sorry, Mr. Oldham, but we're ready to roll now,  
9 at least temporarily. So why don't you give it a try.

10 MR. OLDHAM: Okay.

TESTIMONY OF OFFICER TUBORIS MARTIN

7

\* \* \*

OFFICER TUBORIS MARTIN,  
was called as a witness and having first been duly sworn  
testified as follows:

DIRECT EXAMINATION

BY MR. OLDHAM:

Q. Good afternoon. Would you state and spell --

THE COURT: Can you use the mic -- I'm sorry. Do  
you mind standing there. There you go.

BY MR. OLDHAM:

Q. Would you state and spell your first and last name  
please.

A. Tuboris Martin. T-U-B-O-R-I-S, M-A-R-T-I-N.

Q. Where are you employed?

A. With the Memphis Police Department.

Q. Where specifically do you report and what are your  
duties?

A. Austin Peay GIB. I'm a case investigator.

Q. And what rank do you have?

A. Sergeant.

Q. Were you employed at the Austin Peay GIB -- that's  
General Investigation Bureau; is that correct?

A. Yes, sir.

Q. -- on March 18th, 2021?

A. Yes.

*TESTIMONY OF OFFICER TUBORIS MARTIN*

8

1 Q. Were you an investigator there at that time?

2 A. Yes.

3 Q. What sort of crimes did you investigate at that time?

4 A. Violent crimes.

5 Q. Were you called to investigate an occurrence that  
6 happened on the 3067 Sunrise?

7 A. Yes.

8 Q. And what was the nature of that occurrence?

9 A. We got an individual was shot.

10 Q. And did they -- were they at Sunrise, or had they gone  
11 somewhere else?

12 A. By time we got the call, they were en route to  
13 Regional One.

14 Q. And did you go to Regional One to speak to that  
15 person?

16 A. Yes.

17 Q. Who did you find there?

18 A. I found a victim, one gunshot wound. I can't recall  
19 his name.

20 Q. Where was the wound?

21 A. I believe it was to his hand or arm area.

22 Q. And were you able to speak with that victim at that  
23 time?

24 A. Yes.

25 Q. And was he able to tell you who shot him?



**TESTIMONY OF OFFICER TUBORIS MARTIN**

9

1 A. Yes.

2 Q. And who did he tell you shot him?

3 A. Immediately he said Roy Edwards, also known as Dirty  
4 Shirt.

5 Q. What did you do with that information?

6 A. At that point, once we realized he was going to be  
7 okay, we went back to the precinct to develop a photo lineup  
8 to bring it back to him at Regional One to let him identify  
9 the suspect.

10 Q. Was he there at Regional One?

11 A. No, they had just let him go.

12 Q. And did you find him the same day?

13 A. Yes. Within minutes.

14 Q. And was that at his place of -- or his residence?

15 A. Yes, sir. He had just pulled up.

16 Q. Okay. If this call came in around 1:30, is this on  
17 the same day or the next day that you're doing this photo  
18 array?

19 A. Same day.

20 Q. Just a matter of hours after it occurred; is that  
21 correct?

22 A. Not even that. Probably within 30 to 40 minutes.

23 THE COURT: Now, you say 1:30. Is that 1:30 p.m.  
24 or a.m.?

25 BY MR. OLDHAM:

**TESTIMONY OF OFFICER TUBORIS MARTIN**

10

1 Q. 1:30 in the afternoon?

2 A. P.M.

3 THE COURT: Thank you.

4 BY MR. OLDHAM:

5 Q. So around 3:55 p.m., were you able to find the victim  
6 again and show him a photo array?

7 A. Yes.

8 Q. Okay.

9 MR. OLDHAM: Your Honor, may I approach please?

10 THE COURT: Yes, sir.

11 BY MR. OLDHAM:

12 Q. Do you recognize that, Officer?

13 A. Yes.

14 Q. And the next page, do you recognize that?

15 A. Yes.

16 Q. And is that the photo array you're referring to that  
17 goes along with this case?

18 A. Yes.

19 Q. And is that the photo array that you relied on to say  
20 who shot this person?

21 A. Yes.

22 MR. OLDHAM: Your Honor, can I make that  
23 collectively the first numbered exhibit to this hearing?

24 THE COURT: Any objection?

25 MR. NKRUMAH: No objection, Your Honor. I've

TESTIMONY OF OFFICER TUBORIS MARTIN

11

1 seen the photo array.

2 THE COURT: Without objection, these two  
3 documents will be admitted as Collective Exhibit Number 1.

4 (Collective Exhibit No. 1 admitted into evidence.)

5 MR. OLDHAM: May I publish it, Your Honor?

6 THE COURT: Yes, sir.

7 BY MR. OLDHAM:

8 Q. All right. Officer, can you see up here on the  
9 screen?

10 A. Yes.

11 Q. And is this what we were just talking about?

12 A. Yes.

13 Q. And who made this photo array?

14 A. I did.

15 Q. Okay. And what information did you use to make the  
16 photo array?

17 A. Pulled up -- once we got the name of Roy Edwards, we  
18 put it in the system. And that's when we came up with Roy  
19 Edwards and date of birth.

20 Q. Okay. And here, who circled that face on the picture?

21 A. The victim did.

22 Q. And who initialled up there?

23 A. The victim.

24 Q. And this thing here, does that help you remember who  
25 the victim was?

TESTIMONY OF OFFICER TUBORIS MARTIN

12

1 A. Yes, sir. Joe Brittman.

2 Q. All right. And who wrote: He shot me, this Roy  
3 Edwards, Dirty Shirt?

4 A. Mr. -- Victim Brittman.

5 Q. Okay. And he would have done this the same day he was  
6 shot; is that correct?

7 A. Yes, sir.

8 Q. When you show somebody a photo array, what do you say  
9 to them?

10 A. We have a form called an Advice of Rights. It  
11 explains the photo lineup to them. They read it, then they  
12 initial off on it. And then they take a look at the photo  
13 lineup. Then once they review the photo lineup, if they make  
14 a correct -- whether they make a correct identification or  
15 not, they go back to it and sign off on the second part of  
16 it.

17 Q. Okay.

18 A. And the number that they saw the individual in.

19 Q. Did you follow that procedure in this case?

20 A. Yes, sir.

21 Q. And this second page, what is this?

22 A. That's just for our file, our information page on the  
23 suspect.

24 Q. Okay. And, again, who is this?

25 A. That's the suspect, Roy Edwards.

TESTIMONY OF OFFICER TUBORIS MARTIN

13

1 Q. Okay. Once Mr. Brittman was able to circle that  
2 person, what did you do with that information?

3 A. At that point, we went back to the precinct, worked on  
4 possible charges, talked -- conferred with our District  
5 Attorney, Ms. Lora Fowler, and she told us the appropriate  
6 charges.

7 And we decided we were going to wait and notify our  
8 task force and see if they could pick him up first, before we  
9 swore out a warrant on him.

10 Q. And what did he have charges for?

11 A. If I remember, criminal attempt, second-degree murder.

12 Q. In Tennessee, could you have also drawn charges for  
13 aggravated assault?

14 A. Yes.

15 Q. What did you do with that information the next day?

16 A. The next day, we passed it on to our task force, gave  
17 them the information. They were familiar with this suspect.

18 Q. Are you person that goes out and finds him, or do you  
19 usually ask your task force to accomplish that?

20 A. We ask the task force to do it. Request for them to  
21 do it.

22 Q. And were you -- when were you going to actually draw  
23 up the documents?

24 A. I was going to give them, let me see, at least 24 to  
25 48 hours.

*TESTIMONY OF OFFICER TUBORIS MARTIN*

14

1 Q. To try to find Mr. Edwards?

2 A. Yes, sir.

3 Q. Was Mr. Edwards found?

4 A. Yes.

5 Q. Did you ever speak to him?

6 A. No.

7 Q. Who drew up the documents for his arrest?

8 A. The investigators that were on duty at the time.

9 Q. So this would have happened after you were home or  
10 when you were off?

11 A. Right after we had left for the day. A couple of them  
12 had stayed behind.

13 Q. Would they have used your reports to accomplish that?

14 A. Yes.

15 Q. To your knowledge or to your mind, on March 18th,  
16 after the victim, Mr. Brittman, had circled that picture, if  
17 you saw Roy Edwards on the street, what would you have done?

18 A. I would have approached him with caution; depending on  
19 the situation, asked for back up; and proceed to try to place  
20 him in custody.

21 Q. For what?

22 A. Criminal attempt, second-degree murder.

23 Q. Did this -- well, were you able to go out to the  
24 location of the shooting?

25 A. After we came back -- after we spoke with

TESTIMONY OF OFFICER TUBORIS MARTIN

15

1 Mr. Brittman, we went back to the scene just to walk around,  
2 see if we could find any cameras, any additional cameras or  
3 anything else that might have gotten missed during the  
4 initial officers making the scene.

5 Q. Were you able to find anything additional?

6 A. At that time, no.

7 Q. Were the officers who canvassed the area, were there  
8 any witnesses they were able to speak with?

9 A. I don't think so, no, sir.

10 Q. Did speaking with the victim and him saying who shot  
11 him, did that conclude your investigation?

12 A. Until we got Mr. Edwards in custody, yes, sir.

13 MR. OLDHAM: Your Honor, I have no further  
14 questions.

15 Thank you for answering my questions. Please  
16 answer Mr. Nkrumah's questions.

17 Pass the witness, Your Honor.

18 THE COURT: All right.

19 MR. NKRUMAH: Your Honor, can I have one moment?

20 THE COURT: Yes, sir.

21 MR. NKRUMAH: Thank you, sir.

22 (Short pause.)

23 CROSS-EXAMINATION

24 BY MR. NKRUMAH:

25 Q. Good afternoon --

TESTIMONY OF OFFICER TUBORIS MARTIN

16

1 MR. NKRUMAH: Your Honor, may I?

2 THE COURT: Yes, sir.

3 MR. NKRUMAH: Thank you.

4 BY MR. NKRUMAH:

5 Q. Good afternoon, Sergeant Martin. Correct?

6 A. Good afternoon, sir. Yes, sir.

7 Q. My name is Kafahni Nkrumah and I'm the attorney for  
8 Mr. Roy Edwards who's sitting at defense table.

9 A. Yes, sir.

10 Q. I'm going to ask you some questions regarding your  
11 investigation of the alleged shooting that Mr. Edwards was  
12 accused of committing March 18th, 2021. Understand?

13 A. Yes, sir.

14 THE COURT: Mr. Nkrumah, can I ask you to aim  
15 that mic a little closer. There you go. Thank you.

16 BY MR. NKRUMAH:

17 Q. Sergeant Martin, if I ask you a question that you  
18 don't understand, will you stop me and let me know that you  
19 did not understand the question so I can ask it again?

20 A. Yes, sir.

21 Q. Can we assume if you answer the question I asked, that  
22 you understood the question that I asked in order to answer  
23 it? If I ask you a question and you answer, can we assume  
24 that you understood the question?

25 A. Yes.



*TESTIMONY OF OFFICER TUBORIS MARTIN*

17

1 Q. All right. Thank you.

2 You stated that you were contacted on March 18th of  
3 '21; correct?

4 A. Yes.

5 Q. And that was in regards to an aggravated assault?

6 A. Yes.

7 Q. Okay. Where were you when you were first notified of  
8 this?

9 A. I was at our precinct, in our office.

10 Q. And how were you notified?

11 A. Through a lieutenant.

12 Q. And was that notification through 911 or through  
13 the -- or by the hospital?

14 A. It was notified -- we were notified through the  
15 lieutenant that made the scene, once the officers made the  
16 scene.

17 Q. Okay. And do you know if they were notified by a 911  
18 call or --

19 A. I believe it was 911.

20 Q. Okay. Have you had an opportunity to listen to that  
21 call?

22 A. No, sir.

23 Q. And you stated that you didn't respond to the scene;  
24 correct?

25 A. No, sir.

*TESTIMONY OF OFFICER TUBORIS MARTIN*

18

1 Q. And that's because when you were notified, you were  
2 also told that the alleged victim was on the way to the  
3 hospital; correct?

4 A. Yes, sir.

5 Q. And that hospital was Regional One?

6 A. Yes.

7 Q. And you went straight to the hospital?

8 A. I did.

9 Q. And when you got to the hospital, how long were you in  
10 the hospital before you actually met with the victim, alleged  
11 victim?

12 A. Probably -- he was in a bed, so probably two or three  
13 minutes after getting there.

14 Q. Okay. Now, you stated that he was in a bed. Was he  
15 in a room by himself?

16 A. No, he was in the general trauma area.

17 Q. General trauma area. And the area was fenced off by  
18 curtains, I guess?

19 A. Yes, sir.

20 Q. And his section was fenced off just by curtains;  
21 correct?

22 A. Yes, sir.

23 Q. To the left and to the right were other patients;  
24 correct?

25 A. I believe so.

*TESTIMONY OF OFFICER TUBORIS MARTIN*

19

1 Q. Okay. And you stated that when you got to the  
2 hospital, he was in the bed. Was he being treated at that  
3 time?

4 A. They were working on him, working on his injury.

5 Q. So the doctors and the nurses were in the area working  
6 on the alleged victim?

7 A. Right. I think they were trying to stop the bleeding  
8 or something.

9 Q. Okay. Now, at what point did you begin speaking to  
10 Mr. Brittman?

11 A. As soon as we walked over there. Because he was  
12 sitting up and he was able to talk.

13 Q. Okay. And who was with you when you went to speak  
14 with Mr. Brittman?

15 A. Detective Coffey.

16 Q. You two were the only officers there?

17 A. Yes. There might have been a reporting officer, he  
18 might have been in the hallway. I can't remember that part  
19 of it.

20 Q. But you and Detective -- you said it was --

21 A. Coffey.

22 Q. Hover?

23 A. Coffey.

24 Q. Coffey. You and Detective Coffey were actually in the  
25 area that Mr. Brittman was in; correct?

*TESTIMONY OF OFFICER TUBORIS MARTIN*

20

1 A. Yes.

2 Q. And it was you and Detective Coffey who were  
3 questioning Mr. Brittman; correct?

4 A. Yes.

5 Q. Okay. Now, when you first started questioning  
6 Mr. Brittman, what did you tell him? What did you say?

7 A. We approached him, asked him how he was doing, and  
8 what happened.

9 Q. Okay. And did he respond when you asked him what  
10 happened?

11 A. Yes.

12 Q. And what did he say?

13 A. He was like, y'all, y'all don't have to look for him,  
14 I know who he was -- who he is. His name's Roy Edwards, also  
15 known as Dirty Shirt. Y'all know him. He be around here  
16 doing this and doing that.

17 He was very frank, straight to the point.

18 Q. And in response to what -- were those Mr. Brittman's  
19 exact words, if you know?

20 A. I'd say about 95 percent correct. I mean, I can't  
21 give you all -- every word that he used, but that was pretty  
22 much how it was.

23 Q. That was approximately exactly what he said; correct?

24 A. Yes, sir.

25 Q. And in response to Mr. Brittman's statement, what, if

*TESTIMONY OF OFFICER TUBORIS MARTIN*

21

1 anything, did you say?

2 A. Once he made -- said what he said initially, we slowed  
3 him down and went through our process of asking him questions  
4 on what happened, what was he doing, and went from there.

5 Q. And you say you slowed him down and asked him  
6 questions of what happened.

7 A. Right.

8 Q. What did you ask him?

9 A. When did it happen, where did it happen, do you know  
10 who shot you, why would he shoot at you, where were you at  
11 when you were shot, was anybody else with you, where you hit  
12 at.

13 Q. Okay. We are going to break that down question by  
14 question. Okay?

15 A. Okay.

16 Q. Now, you stated that you asked him when it happened;  
17 correct?

18 A. Yes, sir.

19 Q. And what was his response?

20 A. On Sunrise, the street that he pulled up to.

21 Q. Did he say anything else?

22 A. I mean, I can tell you what he was saying. I mean, I  
23 didn't know if you want me to go in the order that you were  
24 asking. So how do you want me to do this?

25 Q. You said that he responded that it was on Sunrise.

*TESTIMONY OF OFFICER TUBORIS MARTIN*

22

1 A. Right.

2 Q. Was he sure about the street?

3 A. Yes, sir, he was. Because he said he went over there  
4 to someone's house to get his car worked on. And as he was  
5 pulling up, that's when he saw Dirty Shirt walking up to him  
6 and just start shooting at him and he pulled off.

7 Q. And where, again, was this location?

8 A. On Sun- -- address on Sunrise. He gave a description  
9 of the house. He said it had a car in the driveway, because  
10 they work on -- he needed to get his car worked on.

11 Q. And you said he gave you a description of the house.  
12 What was the description?

13 A. Can't remember the exact description. I remember  
14 there was a car in the drive -- or in the yard, something  
15 like that. Because we had other investigators as well. They  
16 went to the scene while we went to the hospital.

17 Q. Okay. Now, you said you asked him who had shot him;  
18 correct?

19 A. Right.

20 Q. And what was his response?

21 A. Roy Edwards, also known as Dirty Shirt. Every time he  
22 said Roy Edwards, he would always repeat, also known as Dirty  
23 Shirt.

24 Q. And you also stated that he ask you -- you asked him  
25 why --

*TESTIMONY OF OFFICER TUBORIS MARTIN*

23

1 A. Right.

2 Q. -- Mr. Edwards shot at him; correct?

3 A. Yes, sir.

4 Q. And what was his response?

5 A. He doesn't know.

6 Q. Didn't he respond that they had some type of beef, but  
7 he didn't know what the beef was about?

8 A. He might have.

9 Q. You stated you asked him if anyone else was with him  
10 at the time; correct?

11 A. Yes, sir.

12 Q. What was his response?

13 A. No one else was in the car, it was just him.

14 Q. And you also asked him where he was hit at; correct?

15 A. Yes, sir.

16 Q. And what was his response?

17 A. If I'm not mistaken, he was saying he got hit in the  
18 hand area.

19 Q. Now, when you were asking these questions, Sergeant,  
20 what was Detective Coffey doing?

21 A. He was standing beside me.

22 Q. Was he asking any questions?

23 A. He might have asked one that I forgot to ask, but  
24 other than that, no.

25 Q. Do you remember the question that Detective Coffey

*TESTIMONY OF OFFICER TUBORIS MARTIN*

24

1 asked him?

2 A. I couldn't tell you, sir. I can't remember.

3 Q. Do you know what it was in regards to?

4 A. I couldn't tell you, sir. It was all recorded, so I  
5 would -- yeah.

6 Q. Now, you stated it was recorded. Was it recorded on  
7 audio?

8 A. Video.

9 Q. Video body cam?

10 A. Yes, sir.

11 Q. And you made a body cam recording?

12 A. Yes, sir.

13 Q. And how about Detective Coffey?

14 A. We use the same one. It was my investigation, so we  
15 used mine.

16 Q. So the only body cam recording at that time was yours;  
17 correct?

18 A. Yes, sir. I was the primary investigator.

19 Q. Now, after asking Mr. Brittman these questions, what  
20 did you do after that?

21 A. After we finished with the questions, we called our  
22 partners that were on the scene, got a description of what  
23 was going on from them. And we, myself and Detective Coffey,  
24 headed to -- back to the precinct to develop the photo  
25 lineup.



*TESTIMONY OF OFFICER TUBORIS MARTIN*

25

1 Q. Now, when you called your partners on the scene, what  
2 was the description that they gave you as to what was  
3 occurring at that time?

4 A. Everything had calmed down. If I'm not mistaken, a  
5 lot of the witnesses had left. They had knocked on doors.  
6 No one was really answering. And there was a -- they said  
7 something about a RTCC camera.

8 Q. And were you at -- were you able to download the video  
9 from that camera?

10 A. Yes.

11 Q. Were you able to download it on the day of the  
12 incident?

13 A. Yes, I believe Detective Coffey -- it might have been  
14 somebody who was at the precinct later on was able to  
15 download it.

16 Q. Did you have an opportunity to watch that video on the  
17 18th?

18 A. Yes, sir.

19 Q. And what did the video depict?

20 A. The video showed Mr. Brittman in a vehicle that he was  
21 driving on that day during that incident, pull up, and an  
22 individual walked from a yard, that was supposedly the crime  
23 scene, walked up and immediately started shooting at the  
24 vehicle, and Mr. Brittman pulled off.

25 Q. You weren't able to tell who that was from the video;

TESTIMONY OF OFFICER TUBORIS MARTIN

26

1 correct?

2 A. It was clear enough to where you could see it was an  
3 individual.

4 Q. But you weren't able to tell who that individual was?

5 A. Not at that time. I couldn't look at the video and  
6 say, that's him right there, no, sir.

7 Q. After speaking with your colleagues who were on the  
8 scene, what did you do at the hospital next?

9 A. Like I said, we came back, made a photo lineup. Went  
10 back to Regional One, but Mr. Brittman had got discharged.  
11 So we got his address and met him at the house just as he was  
12 pulling back up. We had just missed him by a few minutes.

13 Q. So after asking the questions, you went back to the  
14 precinct?

15 A. Yes, sir.

16 Q. Made a photo array?

17 A. Yes, sir.

18 Q. And you stated that you compiled the pictures. How  
19 did you compile the pictures?

20 A. With the information that we had on a Joe Brittman  
21 [sic] after looking him up in our system, in our database, we  
22 found his information matching up to what we thought we had.

23 Q. Okay. And --

24 A. So we might have had the right person, might not, it's  
25 just one of them things you take what you have.

TESTIMONY OF OFFICER TUBORIS MARTIN

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1 Q. And how did you include the fillers in that photo  
2 array?

3 A. The fillers. Just a description of what we had from  
4 him.

5 Q. Okay. And --

6 A. And after we saw the photo, once we pulled up his  
7 information and saw the photo, we matched him up to what we  
8 had as well.

9 Q. So you're saying the description of Mr. Brittman or  
10 Mr. Edwards?

11 A. Mr. Brittman -- I mean, I'm sorry, Mr. Edwards.  
12 Mr. Edwards.

13 Q. After compiling this photo array, you started to head  
14 back to the hospital, but Mr. Brittman had already been  
15 discharged; correct?

16 A. Right. We got back to the hospital and looked for  
17 him, they said he had just left, he had just got discharged.

18 Q. And from that point you proceeded over to his  
19 residence; correct?

20 A. Exactly.

21 Q. Okay. And you stated that he was just pulling up when  
22 you had arrived?

23 A. Yes, sir, probably about 30 seconds after we got  
24 there -- before we got there.

25 Q. He had just pulled up right before you had arrived.

*TESTIMONY OF OFFICER TUBORIS MARTIN*

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1 A. Yes, sir.

2 Q. And who was he with?

3 A. He was with a friend that was -- I guess a friend had  
4 picked him up from the hospital and drove him back home.

5 Q. Do you know that friend's name?

6 A. No, sir.

7 Q. And at some point you started talking to Mr. Brittman  
8 about the photo array?

9 A. Yes, sir.

10 Q. Was that inside or outside of the residence?

11 A. Outside.

12 Q. Outside of the residence?

13 A. Yes.

14 Q. So Mr. Brittman was sitting in the vehicle?

15 A. He was outside the vehicle.

16 Q. He was outside the vehicle --

17 A. Yes, sir.

18 Q. -- he had came in?

19 A. Yes, sir. When we pulled up, he had just got outside  
20 the vehicle and was walking around.

21 Q. And he came to your vehicle, or did you go to his?

22 A. We stayed at his vehicle. Once he saw us pulling up,  
23 he just stopped towards the end of the vehicle he got out of,  
24 towards the trunk.

25 Q. Describe for me, Detective, how you showed

## TESTIMONY OF OFFICER TUBORIS MARTIN

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1 Mr. Brittman the photo array.

2 A. I told him, I said, Mr. Brittman, we have a photo  
3 lineup. But first, before we show it to you, I need you to  
4 view this photo lineup Advice of Rights. And it explained  
5 the reasons for the photo lineup. He signed it. Then I  
6 showed him the photo lineup and he went right to -- I think  
7 it was spot number two, circled it, initialed off on it. And  
8 then I told him, you need to write down at the bottom what  
9 did he do to you. And he wrote the statement that he made  
10 and signed off on it.

11 Flipped it back over to the Advice of Rights. He put  
12 in -- he initialed off, I did identify this person in spot  
13 number two.

14 Q. And this was done by yourself and Detective Coffey at  
15 the time?

16 A. Yes, sir.

17 Q. Okay. Was any other officers on the scene?

18 A. No, sir.

19 Q. And the only two people who were there for  
20 Mr. Brittman was himself and the friend?

21 A. Yes, sir.

22 Q. And where was the friend when you were looking through  
23 this -- when he was looking at the photo array?

24 A. By the time -- he was in the vehicle at first. Then  
25 by the time we were done, he was already outside the vehicle

*TESTIMONY OF OFFICER TUBORIS MARTIN*

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1 walking back up towards the house.

2 Q. Okay. Do you know if at any point before Mr. Brittman  
3 made his identification, did Detective Coffey say anything to  
4 Mr. Brittman?

5 A. No, sir.

6 Q. I want to go back just for a second, back to  
7 Mr. Brittman's statement earlier at the hospital.

8 So Mr. Brittman stated that him and Mr. Edwards had  
9 some type of beef but he didn't know what it was about;  
10 correct?

11 A. I believe so.

12 Q. And he didn't tell you -- he didn't give you the name  
13 of anyone else that may know what the beef was about;  
14 correct?

15 A. Not to my knowledge, no, sir. He was very specific  
16 and almost to the point of being upset or irate in naming Roy  
17 Edwards.

18 Q. Did he tell you how he knew Mr. Edwards?

19 A. I'm sure he did, but I can't recall. I can't recall  
20 that part, just to be honest with you.

21 Q. So -- and I guess you're not sure if he told -- one  
22 second.

23 Mr. Brittman didn't reside in the residence that he  
24 was shot in front of, did he?

25 A. No.

TESTIMONY OF OFFICER TUBORIS MARTIN

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1 Q. He said he was going over there to view -- to get his  
2 car repaired; correct?

3 A. Yes, sir. It was something -- something inside, I  
4 believe. It was some sort of repair that apparently they do  
5 at the house.

6 Q. And did he tell you that he was going to meet a friend  
7 over there by the name of Sasha?

8 A. I do not recall, no.

9 MR. NKRUMAH: One second, Your Honor, please.

10 (Short pause.)

11 BY MR. NKRUMAH:

12 Q. And he didn't say -- and did Mr. Brittman say if  
13 anyone was outside as he was pulling up to the residence?

14 A. The only part I remember, sir, is he said as he was  
15 pulling up, that's when he say Roy walking over to him and  
16 started firing shots at him and he pulled right on back off.

17 Q. So he didn't -- you don't recall if he told you the  
18 person whose house he was going to was outside waiting for  
19 him?

20 A. Not to my knowledge. I cannot remember that.

21 Q. You don't call him stating that there were -- the  
22 neighbors were outside at the time of the shooting?

23 A. No, sir.

24 Q. Okay. So he couldn't tell you -- he couldn't give you  
25 the name of anyone who had possibly witnessed this shooting,

**TESTIMONY OF OFFICER TUBORIS MARTIN**

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1 did he?

2 THE COURT: Besides himself?

3 MR. NKRUMAH: Besides himself, correct.

4 THE WITNESS: I don't think so.

5 BY MR. NKRUMAH:

6 Q. Now, this shooting occurred in the early part of the  
7 afternoon, didn't it?

8 A. About 1:30, something like that, yes, sir.

9 Q. 1:30 in the afternoon?

10 A. Roughly.

11 Q. And it was daylight during that time?

12 A. Yes.

13 Q. It wasn't raining, correct, to your knowledge, if you  
14 remember?

15 A. I don't think so.

16 Q. Clear day; right?

17 A. I think it was more overcast.

18 Q. But visibility was not a problem; correct?

19 A. No, no.

20 Q. And he informed you that after being shot he  
21 immediately drove away; correct?

22 A. Yes.

23 Q. And where did he drive to, do you remember?

24 A. I think he went to somebody else's house and they went  
25 to the hospital. That person took him to the hospital.



*TESTIMONY OF OFFICER TUBORIS MARTIN*

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1 Q. When you got to the hospital, did you observe anyone  
2 there with Mr. Brittman?

3 A. No.

4 Q. Did Mr. Brittman tell you that anyone was there with  
5 him?

6 A. No.

7 Q. Did you speak to anyone else, other than Mr. Brittman,  
8 at the hospital?

9 A. Other than nurses, no.

10 Q. If you know, was it Mr. Brittman who called 911 or was  
11 it someone else?

12 A. I couldn't tell you. I don't have that knowledge.

13 Q. And you stated that the interview of Mr. Brittman at  
14 the hospital was recorded on your body cam; correct?

15 A. Yes.

16 Q. Okay. Now, you stated after getting the photo array  
17 identification from Mr. Brittman, you went back over to the  
18 scene of the incident; correct?

19 A. Yes.

20 Q. And you testified that you went back over there to do  
21 some further information?

22 A. Yes, sir. Met the other investigators that made the  
23 scene while we went to the hospital.

24 Q. Okay. And you and those investigators canvassed the  
25 area for video; correct?

*TESTIMONY OF OFFICER TUBORIS MARTIN*

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1 A. Yes.

2 Q. And you also canvassed the area for other witnesses;  
3 correct?

4 A. Exactly.

5 Q. Now, you stated that Mr. Brittman identified the house  
6 to you; correct?

7 A. Yes. By a car being in the -- I guess, in the front  
8 yard.

9 Q. And you were able to locate that house when you made  
10 the scene; correct?

11 A. Yes.

12 Q. And did you interview anyone that may have been in  
13 that house?

14 A. No, sir. From my understanding, investigators went to  
15 knock on doors and they didn't get a response at that door.

16 Q. Okay. How about the homes next door, did the -- did  
17 you or any of the other investigators interview anyone from  
18 the homes next door to those homes?

19 A. I believe, sir, the investigators that made the scene  
20 over there first, I don't think they made contact with  
21 anybody.

22 Q. So, to your understanding, the investigators didn't  
23 speak to anyone regarding this alleged incident; correct?

24 A. My knowledge, yes, sir.

25 Q. Okay.

TESTIMONY OF OFFICER TUBORIS MARTIN

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1 MR. NKRUMAH: Could I have one second,  
2 Your Honor?

3 THE COURT: Go ahead.

4 MR. NKRUMAH: One moment, Your Honor.

5 THE COURT: Sure.

6 (Short pause.)

7 MR. NKRUMAH: Thank you.

8 THE COURT: Yes, sir.

9 BY MR. NKRUMAH:

10 Q. Sergeant Martin, just a couple more questions.

11 After canvassing the scene, did you speak with  
12 Mr. Brittman further any time that day, March 18th?

13 A. No, sir. After he viewed the photo lineup, that was  
14 it. No more conversation with him.

15 Q. Did Mr. Brittman tell you when he first noticed Mr. --  
16 allegedly noticed Mr. Edwards approaching his vehicle?

17 A. He said as he was pulling up, he saw Edwards  
18 approaching him, and immediately he started opening fire on  
19 him. And that's when he pulled back off.

20 And from the way the video looked, that matched up  
21 with what he was saying.

22 MR. NKRUMAH: No further questions, Your Honor.

23 THE COURT: Any redirect?

24 MR. OLDHAM: Briefly, Your Honor.

25 REDIRECT EXAMINATION

*TESTIMONY OF OFFICER TUBORIS MARTIN*

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1 BY MR. OLDHAM:

2 Q. Sergeant Martin, Mr. Nkrumah asked you some questions  
3 about what Mr. Brittman said and what other officers did out  
4 there around Sunrise. Did you produce a report -- or a  
5 supplement right during or right after this investigation?

6 A. Yes, sir.

7 Q. If you reviewed that supplement, would you be able to  
8 answer those questions more clearly?

9 A. Yes, sir.

10 MR. OLDHAM: Your Honor, may I approach with this  
11 real quick?

12 THE COURT: Yes, sir.

13 THE WITNESS: Okay. 1327 hours. I was --

14 BY MR. OLDHAM:

15 Q. Just read to yourself. Okay?

16 A. Oh, okay.

17 Q. And then once you're done reading, let me know.

18 A. Okay. (Reviewing document.)

19 Q. Did that help you remember?

20 A. Yes, sir.

21 Q. Did Mr. Edwards tell you who he was looking -- or who  
22 he spoke to out there where he pulled up to get work at  
23 3135 -- I mean, over on Sunrise?

24 A. Yes, he did say he was going to his friend Sasha's  
25 house to get work done on his vehicle.

**TESTIMONY OF OFFICER TUBORIS MARTIN**

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1 Q. Okay. And that was at 3067 Sunrise; is that correct?

2 A. Yes.

3 Q. And were other officers able to locate anybody out  
4 there when they went to investigate?

5 A. No.

6 Q. Did they specifically go to 3058 Sunrise, which was  
7 Sasha's residence and knock?

8 A. Yes.

9 Q. Were they able to locate anybody?

10 A. No.

11 Q. Okay. Did that help you to remember the things that  
12 Mr. Nkrumah had asked earlier?

13 A. Yes.

14 MR. OLDHAM: No further questions, Your Honor.

15 THE COURT: All right. Thank you, Sergeant  
16 Martin. You may step down. Thank you, sir.

17 MR. OLDHAM: May Sergeant Martin be excused,  
18 Your Honor?

19 THE COURT: Yes, sir, unless he's under subpoena  
20 from somebody else.

21 MR. OLDHAM: I don't believe so.

22 THE COURT: Mr. Nkrumah?

23 MR. NKRUMAH: No, Your Honor.

24 THE COURT: Okay.

25 (Whereupon, witness excused.)

1                   MR. OLDHAM: The Government calls Officer  
2 Mendoza, Your Honor.

3                   (Whereupon, Officer Ryan Mendoza duly sworn.)

4                   THE WITNESS: Yes, sir.

5                   THE COURT: You may proceed.

6                   MR. OLDHAM: Thank you, Your Honor.

TESTIMONY OF OFFICER RYAN MENDOZA

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\* \* \*

OFFICER RYAN MENDOZA,

was called as a witness and having first been duly sworn testified as follows:

DIRECT EXAMINATION

BY MR. OLDHAM:

Q. Good afternoon.

A. Good afternoon.

Q. Would you state and spell your first and last name, please.

A. Ryan, R-Y-A-N. Last name, M-E-N-D-O-Z-A.

Q. You kind of speak softly, so if you could lean into the microphone a little bit and speak up.

A. Okay.

Q. Where are you employed?

A. Memphis Police Department.

THE COURT: Is that mic on?

COURT REPORTER: No.

THE COURT: I don't think the mic's on. Every time, no matter what we do.

BY MR. OLDHAM:

Q. All right. Would you state and spell your first and last name.

A. Ryan, R-Y-A-N.

THE COURT: All right. Is the switch on? Try it

**TESTIMONY OF OFFICER RYAN MENDOZA**

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1 again.

2 BY MR. OLDHAM:

3 Q. State your first and last name and spell them, please.

4 A. Ryan Mendoza. First name, R-Y-A-N. Last name,  
5 M-E-N-D-O-Z-A.

6 Q. Where are you employed?

7 A. Memphis Police Department.

8 Q. Where are you assigned?

9 A. Austin Peay Station.

10 Q. What do you do at Austin Peay Station?

11 A. Work for the task force.

12 Q. And what does the task force do at the Austin Peay  
13 Station with the Memphis Police Department?

14 A. We have -- we work closely with the GIB. And they  
15 have individuals go look for their -- related to certain  
16 incidents. And they help us go out there and locate the  
17 individuals.

18 Q. Okay. And on March 19th, were you asked to locate  
19 someone?

20 A. Yes, sir.

21 Q. And who were you asked to locate?

22 A. Roy Edwards.

23 Q. And what was your understanding about Mr. Edwards?

24 A. That he was responsible for an aggravated assault the  
25 prior day, for the prior day.



*TESTIMONY OF OFFICER RYAN MENDOZA*

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1 Q. The prior day?

2 A. Yes.

3 Q. And were you and the rest of your task force officers  
4 able to locate Mr. Edwards?

5 A. Yes, sir.

6 Q. Could you explain to the Court the process of how  
7 y'all identified and then found Mr. Edwards.

8 A. How we identified, we went into the area where the  
9 shooting happened, and where he has a last known address for  
10 his residence. And we -- while I was driving around, I  
11 located an individual that resembled Mr. Edwards. I was in a  
12 marked police vehicle. And then we had an unmarked vehicle  
13 in the area so I asked the officer, Officer Martin, to come  
14 by and verify if it's him.

15 Q. Okay. So let's stop for a second. You're the first  
16 person who saw this individual; is that correct?

17 A. Yes.

18 Q. And you asked somebody to verify who could get closer;  
19 is that correct?

20 A. Yes.

21 Q. And why did you think he could get closer?

22 A. Because he was in a vehicle that wasn't marked that  
23 said Memphis Police on it.

24 Q. Okay. And who did you ask to do that?

25 A. Officer Mark Martin.

**TESTIMONY OF OFFICER RYAN MENDOZA**

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1 Q. Okay. Now, that's not the sergeant who just  
2 testified, is it?

3 A. No, sir.

4 Q. It's a different officer; correct?

5 A. Yes, sir.

6 Q. Was Officer Martin able to identify Mr. Edwards?

7 A. Yes, sir.

8 Q. And where did he tell you that he went?

9 A. He observed him walking Benjestown. I want to say  
10 close to Marrs. And he followed him to a small convenience  
11 store at the location of Benjestown and Whitney.

12 Q. Okay. What are you saying?

13 A. He observed him walking down the street and walking to  
14 a store located at Benjestown and Whitney.

15 Q. Okay. Spell what you just said.

16 THE COURT: The intersection.

17 THE WITNESS: Oh, Benjestown.

18 THE COURT: Are you saying Benjitown?

19 THE WITNESS: Benjestown.

20 BY MR. OLDHAM:

21 Q. And Whitney?

22 A. Yes.

23 Q. Okay. So it's at that intersection and Whitney, and  
24 the address ended up being 692 Whitney; is that correct?

25 A. Yes, sir.

**TESTIMONY OF OFFICER RYAN MENDOZA**

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1 Q. And it was a little convenience store; is that  
2 correct?

3 A. Yes, sir.

4 Q. Who went into the convenience store to find  
5 Mr. Edwards?

6 A. Officer Moore and myself.

7 Q. Who was the first person to get to Mr. Edwards?

8 A. Officer Moore.

9 Q. Was Officer Moore able to take him into custody?

10 A. No. He -- Mr. Edwards began to struggle with her.

11 Q. Did you help?

12 A. Yes, sir.

13 Q. During -- did he immediately go into custody once you  
14 started to help?

15 A. No, sir.

16 Q. Did the struggle continue?

17 A. Yes, sir.

18 Q. During the struggle, did you feel anything?

19 A. Yes, sir.

20 Q. And what did you feel?

21 A. Felt the handgun in the front pocket in his  
22 sweatshirt.

23 Q. And where was Mr. Edwards trying to put his hands?

24 A. Inside the pocket of the sweatshirt.

25 Q. Was anybody else there who participated in this, I

TESTIMONY OF OFFICER RYAN MENDOZA

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1 guess, scuffle while y'all are trying to take him into  
2 custody?

3 A. Yes.

4 Q. And who was that?

5 A. It would be Mr. Edwards' sister.

6 Q. And what did she do during this interaction?

7 A. She kept interfering during the interaction. And she  
8 ended up taking the gun from the pocket and placing it  
9 elsewhere in the store.

10 Q. During the interaction were you able to tell what she  
11 had done, or did you learn about that later?

12 A. Learned about that later.

13 Q. And what first made you know that the gun wasn't  
14 there?

15 A. When Mr. Edwards was placed into custody, and went to  
16 go retrieve gun, and it was not in the pocket.

17 Q. And what did you do to try to find out what happened  
18 to the gun?

19 A. Went to the clerk of the store to review the cameras.

20 Q. And were you able to review the cameras?

21 A. Yes, sir.

22 Q. Were those cameras eventually downloaded, the video?

23 A. Yes, sir.

24 Q. And did the video show what had happened with  
25 Mr. Edwards' sister?

TESTIMONY OF OFFICER RYAN MENDOZA

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1 A. Yes, sir.

2 Q. And what happened?

3 A. Showed her getting involved in the incident and taking  
4 the handgun and placing it behind one of the stands in the  
5 store.

6 Q. Okay. And were you there when somebody recovered  
7 something from that little stand in the store?

8 A. Yes, sir.

9 Q. And what was recovered?

10 A. A handgun.

11 Q. Do you see the person that you took into custody today  
12 in the courtroom?

13 A. Yes, sir.

14 Q. And would you point him out and tell us something he's  
15 wearing, please.

16 A. Tan top. (Indicating.)

17 MR. OLDHAM: Okay. Your Honor, may the record  
18 reflect he's identified the defendant.

19 MR. NKRUMAH: No objection.

20 THE COURT: The record will reflect that he's  
21 identified the defendant, Roy Edwards.

22 MR. OLDHAM: Thank you, Your Honor.

23 THE COURT: Yes, sir.

24 BY MR. OLDHAM:

25 Q. You were eventually able to get Mr. Edwards into

TESTIMONY OF OFFICER RYAN MENDOZA

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1 custody; is that correct?

2 A. Yes, sir.

3 Q. And where was he taken after he was placed in custody?

4 A. Taken to Austin Peay GIB.

5 Q. And was that to be interviewed in connection with the  
6 shooting?

7 A. Yes, sir.

8 Q. Was he eventually arrested by the Memphis Police  
9 Department?

10 A. Yes, sir.

11 Q. And who did that?

12 A. That would be Sergeant Martin.

13 Q. Was he transported as well?

14 A. Yes, sir.

15 Q. Who transported him?

16 A. That, I don't recall who transported him.

17 Q. But he was arrested after he went to Austin Peay that  
18 day?

19 A. Yes, sir.

20 MR. OLDHAM: Your Honor, if the Court will  
21 allow --

22 THE COURT: Are you asking was he charged after  
23 he went to Austin Peay?

24 BY MR. OLDHAM:

25 Q. Was he charged with a crime after he went to Austin

TESTIMONY OF OFFICER RYAN MENDOZA

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1 Peay?

2 A. Yes, sir.

3 Q. Okay. And did y'all have a crime that he had  
4 committed there on the scene that day?

5 A. Yes, sir.

6 Q. And what crime had he committed there on the scene  
7 that day?

8 A. Convicted felon in possession of a handgun.

9 Q. But that's not why you were looking for him, was it?

10 A. No, sir.

11 Q. Why were y'all looking for him?

12 A. For the aggravated assault that happened the day  
13 prior.

14 MR. OLDHAM: Your Honor, the Government made  
15 Attachment A to our brief. Could we show that to the officer  
16 now?

17 THE COURT: That's fine with me. Any objection?

18 MR. NKRUMAH: No, Your Honor.

19 THE COURT: All right. So why don't we mark the  
20 disk -- well, or we'll just note for the record that the  
21 Government has attached a CD as Exhibit A to their memorandum  
22 in response to the motion to suppress.

23 And that's the video that you're showing now.

24 MR. OLDHAM: Exact copy, Your Honor, that the  
25 defense has --

TESTIMONY OF OFFICER RYAN MENDOZA

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1 THE COURT: Yes, sir.

2 MR. OLDHAM: -- and that the Court has.

3 THE COURT: Yes, sir.

4 MR. NKRUMAH: Your Honor?

5 THE COURT: Yes, sir.

6 MR. NKRUMAH: May we approach briefly?

7 THE COURT: Do we have to or -- sure.

8 MR. NKRUMAH: Well, Your Honor, I can ask from  
9 here.

10 (Sidebar conference out of hearing of the jury.)

11 MR. NKRUMAH: I just wanted to take a moment, a  
12 restroom break --

13 THE COURT: Oh --

14 MR. NKRUMAH: -- before we play the video.

15 THE COURT: -- that's fine. Okay.

16 (Sidebar conference concluded.)

17 THE COURT: We're going to take short recess for  
18 a comfort break and then we'll come back.

19 Officer Mendoza, please don't speak to anybody  
20 about your testimony.

21 We'll be in recess for a few minutes.

22 CASE MANAGER: All rise. This Court stands in  
23 recess.

24 (Recess was had at 2:37 p.m. and resumed at 2:46 p.m.)

25 THE COURT: Are we ready?



TESTIMONY OF OFFICER RYAN MENDOZA

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1 MR. OLDHAM: Judge, the video played before we  
2 took our break and now it won't play. I shut it off and  
3 turned it back on. I apologize.

4 THE COURT: Apparently you've got time anyway, we  
5 don't have a defendant.

6 (Whereupon, defendant returned to the courtroom 2:46 p.m.)

7 THE COURT: Yes, sir, would you take the stand  
8 again.

9 We are back on the record.

10 Officer Mendoza, you are still under oath.

11 And whenever you're ready, Mr. Oldham, with the  
12 video.

13 MR. OLDHAM: Thank you, Your Honor.

14 Your Honor, I don't know what happened. I had it  
15 on the computer and it had already played. I don't know why  
16 it quit playing and now I don't know why the computer can't  
17 start so...

18 The new ones don't have disk drives so we have to  
19 put it on to our actual device.

20 THE COURT: I understand.

21 MR. OLDHAM: Okay. Your Honor, sorry about that.

22 THE COURT: All right. You may proceed.

23 MR. OLDHAM: Thank you.

24 (Whereupon, video played.)

25 BY MR. OLDHAM:

*TESTIMONY OF OFFICER RYAN MENDOZA*

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1 Q. Officer, have you seen this video before?

2 A. Yes, sir.

3 Q. And who are the people on the screen right now?

4 A. Mr. Edwards and his sister.

5 Q. Okay. And who's going to enter here in a second?

6 A. Officer Moore and myself.

7 Q. All right. I'm going to stop it. The video time is  
8 14:39:37.

9 Who is in the top of the view right there?

10 A. Me.

11 Q. Who's at the top of the screen?

12 A. Me.

13 Q. Okay. Beyond that, the other three people.

14 A. Beyond that, it's Officer Moore, Mr. Edwards, and his  
15 sister.

16 Q. Okay. And what are you about to do?

17 A. Assist in taking him into custody.

18 (Whereupon, video played.)

19 BY MR. OLDHAM:

20 Q. Okay. I'm going to stop it again at 14:40:05. It's  
21 kind of obscured. Why haven't y'all got him in custody yet?

22 A. We can't get his hands behind his back.

23 Q. Okay. And have y'all told this person to move back,  
24 the sister?

25 A. I don't recall --

TESTIMONY OF OFFICER RYAN MENDOZA

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1 MR. NKRUMAH: Objection, Your Honor. Leading.

2 THE WITNESS: -- what all we said during that  
3 time.

4 MR. NKRUMAH: Objection. Leading.

5 THE COURT: I'm not sure that was leading, but  
6 don't lead.

7 MR. OLDHAM: Thank you, Judge.

8 BY MR. OLDHAM:

9 Q. Is it normal to have another person, besides the  
10 person you're trying to arrest, involved in the arrest?

11 A. No, it's not normal.

12 Q. Okay. Is this a safe situation or an unsafe  
13 situation?

14 A. Unsafe situation.

15 (Whereupon, video played.)

16 BY MR. OLDHAM:

17 Q. All right. I'm going to stop here at 14:31:36.  
18 What did you feel during the struggle?

19 A. A handgun.

20 Q. And do you feel it now?

21 A. No.

22 Q. Is that what you're looking for?

23 A. Yes, sir.

24 (Whereupon, video played.)

25 BY MR. OLDHAM:

**TESTIMONY OF OFFICER RYAN MENDOZA**

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1 Q. At 14:42:28 are you taking him out to put him in a  
2 cruiser?

3 A. Yes, sir.

4 Q. And then who watched the video?

5 A. I went back and reviewed the video.

6 Q. Were you able to tell officers where that individual  
7 went from the cooler over to the ATM right there?

8 A. Yes.

9 Q. Okay. And did that conclude your interaction with  
10 Mr. Edwards at that time?

11 A. Yes.

12 MR. OLDHAM: Thank you for answering my  
13 questions. Please answer defense counsel's questions.

14 Your Honor, I pass the witness.

15 THE COURT: All right. Cross-examination?

16 MR. NKRUMAH: May I inquire, Your Honor?

17 THE COURT: Of course.

18 **CROSS-EXAMINATION**

19 **BY MR. NKRUMAH:**

20 Q. Good afternoon, Officer Mendoza, how you doing this  
21 afternoon?

22 A. Pretty good.

23 Q. My name is Kafahni Nkrumah and I'm the attorney for  
24 Mr. Roy Edwards. I'm going to ask you some questions  
25 regarding his arrest on March 19th. Understand?

*TESTIMONY OF OFFICER RYAN MENDOZA*

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1 A. Yes, sir.

2 Q. Okay. If I ask you a question that you don't  
3 understand, you'll let me know; correct?

4 A. Yes, sir.

5 Q. And if you answer the question, I can assume and  
6 everyone can assume that you understood it; right?

7 A. Yes, sir.

8 Q. When were you notified that Mr. Edwards was wanted in  
9 connection with a shooting?

10 A. In the morning of this incident.

11 Q. The morning of the incident or the morning of the  
12 arrest?

13 A. The morning of the arrest.

14 Q. And that was March the 19th?

15 A. Yes, sir.

16 Q. And was that at the morning briefing?

17 A. Yes, sir.

18 Q. And who conducted this morning briefing?

19 A. Officer Redding.

20 Q. Officer who?

21 A. Redding.

22 Q. Okay. And Officer Redding, what was the information  
23 that Officer Redding relayed to you in the briefing regarding  
24 Mr. Edwards?

25 A. That he was involved in the aggravated assault

*TESTIMONY OF OFFICER RYAN MENDOZA*

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1 incident the day prior and that he was developed as a  
2 suspect.

3 Q. At that time was there a warrant out for Mr. Edwards'  
4 arrest in regards to this incident?

5 A. No, sir.

6 Q. Were you advised that he was wanted for questioning or  
7 for arrest?

8 A. Well, they had enough to arrest him.

9 Q. So he was wanted for arrest for the shooting at that  
10 time.

11 A. Yes, sir.

12 Q. Okay. Now, you stated that you were the first officer  
13 to observe my client?

14 A. Yes, sir.

15 Q. And where were you exactly when you observed  
16 Mr. Edwards?

17 A. I was on Juliet, close to Morningside.

18 Q. Juliet to Morningside?

19 A. Yes, sir.

20 Q. And you stated that you were in a marked cruiser;  
21 correct?

22 A. Yes, sir.

23 Q. Were you the driver or the passenger?

24 A. Driver.

25 Q. And where was Mr. Edwards when you noticed him?

**TESTIMONY OF OFFICER RYAN MENDOZA**

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1 A. I don't know what address. It was in the road on  
2 Juliet.

3 Q. He was in the road?

4 A. Yes.

5 Q. So was he on the side of you when you noticed him, was  
6 he in front of you, was he behind you?

7 A. I mean, when I noticed him, I drove past him.

8 Q. And you drove past him?

9 A. Yes.

10 Q. After driving past my client, what did you do next?

11 A. I couldn't verify it was him, so I called for  
12 Mr. Martin, who was in an unmarked unit.

13 Q. You said you couldn't verify that it was him?

14 A. No.

15 Q. So at that time you weren't able to identify  
16 Mr. Edwards; correct?

17 A. Correct.

18 Q. And you contacted another officer?

19 A. Yes.

20 Q. In an unmarked vehicle?

21 A. Yes.

22 Q. And where was that officer located?

23 A. He was in the area, in the same area I was, around  
24 Morningside area, Morningside/Juliet area.

25 Q. Okay. And how long after you notified the officer did

## TESTIMONY OF OFFICER RYAN MENDOZA

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1 the officer come back and tell you that that in fact was  
2 Mr. Edwards?

3 A. Couple of minutes. He had to do a couple -- had to do  
4 a couple of drive-bys because he started walking. He left  
5 the original location and was walking down the road. So he  
6 made a couple of pass-bys and he was able to identify him.

7 Q. After being notified that that in fact was  
8 Mr. Edwards, what did you do next?

9 A. We called for our partners to assist -- called for our  
10 partners to come into the area, while Officer Martin kept  
11 eyes on him, to assist in taking him into custody.

12 Q. Now, where was Officer Martin's vehicle at this time,  
13 do you know?

14 A. I believe he was on Benjestown at that time.

15 Q. Was he mobile or was he parked?

16 A. I can't tell you that.

17 Q. Did he inform you of which direction Mr. Edwards was  
18 traveling?

19 A. Yes.

20 Q. And what direction was that, Officer?

21 A. It would be southbound on Benjestown.

22 Q. So he was southbound on where?

23 THE COURT: Would you mind, be sure to keep your  
24 voice up so that we can all hear it.

25 THE WITNESS: Yes, sir.



TESTIMONY OF OFFICER RYAN MENDOZA

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1 THE COURT: He was headed southbound?

2 THE WITNESS: Yes, sir.

3 BY MR. NKRUMAH:

4 Q. On what street, I'm sorry?

5 A. Benjestown.

6 Q. Benjestown?

7 A. Yes.

8 Q. And at what point did you again pick up Mr. Edwards?

9 A. Officer Martin watched him walk into the store.

10 Q. So Officer Martin observed him go into the store.

11 A. Um-hmm.

12 Q. Okay. And with -- your partner was Officer Moore;  
13 correct?

14 A. No, I was in a one-man unit that day.

15 Q. You were in a one-man unit. Okay.

16 So Officer Martin radioed that he observed Mr. Edwards  
17 go into the store?

18 A. Yes, sir.

19 Q. And after radioing that Mr. Edwards went into the  
20 store, what happened at that point?

21 A. Myself, Officer Redding, Officer Moore, and Officer  
22 Martin pulled up to the store to take Mr. Edwards into  
23 custody.

24 Q. And were you all in one-man vehicles?

25 A. No, sir.

**TESTIMONY OF OFFICER RYAN MENDOZA**

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1 Q. Just yourself?

2 A. Myself and Martin.

3 Q. Yourself and Officer Martin.

4 A. Yes, sir.

5 Q. Officer Moore had a partner?

6 A. Yes. Officer Redding.

7 Q. Officer Redding?

8 A. Yes, sir.

9 Q. Was Officer Moore the driver or the recorder in that  
10 vehicle?

11 A. The passenger.

12 Q. Okay. So it was Officer Moore who entered the store  
13 first; correct?

14 A. Yes, sir.

15 Q. And you came in after Officer Moore?

16 A. Yes, sir.

17 Q. And then Officer Redding at some point?

18 A. Officer Redding came in after I did, later on.

19 Q. And Officer Moore was the first officer to make  
20 contact with Mr. Edwards; correct?

21 A. Yes, sir.

22 Q. And that was at the back of the store?

23 A. Yes, sir.

24 Q. And were you able to see when Officer Moore first made  
25 contact with Mr. Edwards?

*TESTIMONY OF OFFICER RYAN MENDOZA*

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1 A. Yes, sir.

2 Q. And when Officer Moore made contact with Mr. Edwards,  
3 she immediately grabbed his left arm, didn't she?

4 A. I don't recall which arm she grabbed.

5 Q. But you noticed that Officer Moore grabbed Mr. Edwards  
6 when she got to the back of the store; correct?

7 A. Yes, sir.

8 Q. And in grabbing Mr. Edwards, she took control over him  
9 at that time, didn't she?

10 A. Yes, sir.

11 Q. And she placed his arm behind his back, didn't she?

12 A. Yes, sir.

13 Q. And she placed him up against the cooler where -- the  
14 beverage cooler, in the back area, in the corner of the  
15 store; correct?

16 A. Yes, sir.

17 Q. And after placing him at the -- against the cooler,  
18 she proceeded to grab his other arm and place it behind his  
19 back; correct?

20 A. Yes, sir.

21 Q. And at that time Mr. Edwards wasn't trying to escape;  
22 right?

23 A. He began to resist.

24 THE COURT: Can I -- is the mic on?

25 THE WITNESS: (Indicating.) Yes, sir.

**TESTIMONY OF OFFICER RYAN MENDOZA**

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1                   THE COURT: All right. Just checking. Thank  
2     you.

3     BY MR. NKRUMAH:

4     Q.       Now, you stated that he began to resist. How did he  
5     resist?

6     A.       He's not allowing Officer Moore to put his hands in  
7     handcuffs.

8     Q.       But at this time Officer Moore didn't have her  
9     handcuffs yet, did she?

10    A.       I believe she had the handcuffs in her hand.

11    Q.       And at some point she was able to take her handcuffs  
12    out of her -- she was able to take her handcuffs out;  
13    correct?

14    A.       Yes, sir.

15    Q.       You didn't take them out for her, did you?

16    A.       No, sir.

17    Q.       You didn't give her your handcuffs, did you?

18    A.       No, sir.

19    Q.       She took her handcuffs out; correct?

20    A.       Yes, sir.

21    Q.       And she did this while she was holding onto  
22    Mr. Edwards; correct?

23    A.       Yes, sir.

24    Q.       And Mr. Edwards was standing right there, wasn't he?

25    A.       At the cooler?

*TESTIMONY OF OFFICER RYAN MENDOZA*

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1 Q. Mr. Edwards was standing beside Officer Moore when she  
2 took her handcuffs out, wasn't he?

3 A. Yes, sir.

4 Q. In fact, she had him pinned up against the cooler at  
5 that time; correct?

6 A. Yes, sir.

7 Q. And she was able to take her handcuffs out; correct?

8 A. Yes, sir.

9 Q. Now, at this time you were standing next to  
10 Officer Moore and Mr. Edwards; correct?

11 A. At that time? No.

12 Q. When did you come upon the scene?

13 A. When I noticed there was a struggle, where she  
14 couldn't get him into handcuffs.

15 Q. But when you first came upon the scene -- okay. You  
16 stated that you noted that there was a struggle. But when  
17 you first came upon the scene, you didn't intercede, did you?

18 A. Initially, no, I didn't.

19 Q. And you stopped and you watched what was going on  
20 between Officer Moore and Mr. Edwards; correct?

21 A. Yes, sir.

22 Q. And at some point during this -- during what was going  
23 on between Officer Moore and Mr. Edwards, Ms. Edwards, his  
24 sister, interjected herself in this scene; correct?

25 A. Yes, sir.

## TESTIMONY OF OFFICER RYAN MENDOZA

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1 Q. And at that time Ms. Edwards was trying to notify the  
2 officers, you included, that her brother had just had  
3 surgery, wasn't she?

4 MR. OLDHAM: Objection. Hearsay, Your Honor.

5 THE COURT: Well, yeah, I guess, Mr. Nkrumah, I'm  
6 giving you a fair amount of latitude here. I just -- I want  
7 to make sure that we're clear on what the issue in front of  
8 the Court is. And I just don't -- I don't want to -- I mean,  
9 well, first of all, I think the objection is well founded.  
10 I'm not sure what -- (A) what the relevance is, and (B) what  
11 the exception to the hearsay rule would be, Mr. Nkrumah, as  
12 to what the sister was saying.

13 MR. NKRUMAH: Your Honor, I'm not offering the  
14 sister's statement as proof of the statement being made, I'm  
15 just -- I'm offering the question to get Mr. Mendoza's  
16 reaction as to why he reacted the way that he reacted in the  
17 video.

18 Also, Your Honor, on direct the Government went  
19 into the entire arrest of Mr. Edwards, and also -- this  
20 witness also testified that Mr. Edwards had been resisting  
21 arrest. So I asked --

22 THE COURT: So you're saying that you're not  
23 offering it for the truth of the matter asserted, just that  
24 she said it.

25 MR. NKRUMAH: That's correct.

## TESTIMONY OF OFFICER RYAN MENDOZA

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1 THE COURT: All right. But let's just remember  
2 what the issue is, and -- so I'll allow it. But let's focus  
3 on what we're -- you know, what the issue is, which is, you  
4 know, whether the arrest -- I think --

5 MR. NKRUMAH: Had probable cause.

6 THE COURT: -- whether there was probable cause  
7 for the arrest. But you can go ahead and ask the question.

8 MR. NKRUMAH: Thank you, Your Honor.

9 BY MR. NKRUMAH:

10 Q. Officer Mendoza, at the point when Ms. Edwards  
11 interjected into the scuffle, she was trying to inform you  
12 that my client had just had -- recently had surgery; correct?

13 A. I don't recall what she said about surgery.

14 Q. And at some point she exited from the struggle;  
15 correct?

16 A. Yes.

17 Q. Now, you stated that you -- that at some point during  
18 the struggle you felt a weapon; correct?

19 A. Yes, sir.

20 Q. Now, during that time Ms. Edwards was also involved in  
21 the struggle; correct?

22 A. Yes, sir.

23 Q. And at some point you were able to place Mr. Edwards  
24 into custody; correct?

25 A. Yes, sir.

*TESTIMONY OF OFFICER RYAN MENDOZA*

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1 Q. And at any time, other than stating that you felt what  
2 you thought was -- what appeared to be a firearm, did you  
3 actually see a firearm?

4 A. No, I did not.

5 Q. Did any of the other officers see a firearm at that  
6 time?

7 A. No.

8 Q. And when -- after he was handcuffed and searched, no  
9 firearm was found; correct?

10 A. Not on him.

11 Q. You didn't find a firearm in the area where the  
12 struggle had ensued, did you?

13 A. No.

14 Q. That's what you were looking for when we saw you in  
15 the video?

16 A. Yes, sir.

17 Q. At some point you stated that you reviewed the video;  
18 correct?

19 A. Yes, sir.

20 Q. And that video was from the store; correct?

21 A. Yes, sir.

22 Q. Okay. Were you wearing a body camera that day?

23 A. Yes, sir.

24 Q. Did you record any of this on body camera?

25 A. Yes, sir.



**TESTIMONY OF OFFICER RYAN MENDOZA**

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1 Q. Do you know if any of the other officers recorded it  
2 on body camera?

3 A. Yes, sir.

4 Q. Now, you did state, Officer, that at the time you  
5 approached Mr. Edwards there was not a warrant for arrest --  
6 for his arrest at that time; correct?

7 A. Correct.

8 Q. And he was just wanted for questioning?

9 A. He was wanted regarding the --

10 Q. Regarding the incident?

11 A. -- [inaudible].

12 COURT REPORTER: I'm sorry, I didn't hear your  
13 answer.

14 THE WITNESS: He was developed as a suspect.

15 BY MR. NKRUMAH:

16 Q. He was developed as a suspect, that was your answer?

17 A. Yes, sir.

18 MR. NKRUMAH: Okay. One moment, Your Honor.

19 THE COURT: Yes, sir.

20 (Short pause.)

21 BY MR. NKRUMAH:

22 Q. You testified that Mr. Edwards was transported to  
23 Austin Peay Station.

24 A. Yes, sir.

25 Q. Was he transported anyplace else before going to

**TESTIMONY OF OFFICER RYAN MENDOZA**

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1 Austin Peay, do you know?

2 A. Not that I recall.

3 Q. You didn't question Mr. Edwards at any point during  
4 this altercation, did you, Officer?

5 A. No, sir.

6 Q. Do you know if any other officer questioned  
7 Mr. Edwards?

8 A. No, sir.

9 Q. It was simply an arrest; correct?

10 A. Yes, sir.

11 MR. NKRUMAH: No further questions, Your Honor.

12 THE COURT: Redirect?

13 MR. OLDHAM: No, Your Honor.

14 THE COURT: All right. Officer Mendoza, thank  
15 you. You're excused. If you wouldn't mind handing that --  
16 thank you.

17 MR. OLDHAM: May Officer Mendoza be excused,  
18 Your Honor?

19 THE COURT: Yes, sir.

20 (Whereupon, witness excused.)

21 MR. OLDHAM: Officer Martin, Your Honor.

22 (Whereupon, Officer Mark Martin was duly sworn.)

23 THE WITNESS: I swear.

24 THE COURT: We're using the jury box as the  
25 witness chair.

**TESTIMONY OF OFFICER MARK MARTIN**

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1                   THE WITNESS: Yes, sir.

2                   THE COURT: There you go.

3                                   \*   \*   \*

4                                   OFFICER MARK MARTIN,  
5       was called as a witness and having first been duly sworn  
6       testified as follows:

7                                   DIRECT EXAMINATION

8       BY MR. OLDHAM:

9       Q.       Good afternoon.

10      A.       Hey, how you doing?

11      Q.       You've got to speak up. The mask kind of muffles  
12      everything, and that mic's not picking up a lot so...

13      A.       Can you hear me better now?

14                   THE COURT: Yes, sir, we sure can. Thank you.

15      BY MR. OLDHAM:

16      Q.       Would you state and spell your first and last name.

17      A.       Yes. My name is Mark Martin. That's M-A-R-K,  
18      M-A-R-T-I-N.

19      Q.       Where are you employed?

20      A.       With the Memphis Police Department.

21      Q.       Where are you assigned?

22      A.       At the time it was at Austin Peay Task Force.

23      Q.       Where are you now?

24      A.       At OCU on the CAT team.

25      Q.       Okay. And when you were assigned in March of 2021 to

## TESTIMONY OF OFFICER MARK MARTIN

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1 the Austin Peay Task Force, what were your duties?

2 A. As a task force officer, we would work with GIB. GIB  
3 would give us people to go pick up or assignments to do. And  
4 if GIB didn't have anything for us to do, then we'd make  
5 traffic stops or try to pick up warrants.

6 Q. On the day in question, what were you asked to do as a  
7 member of the Austin Peay Task Force?

8 A. The day before there was an aggravated assault, where  
9 a gentleman was shot. And Roy Edwards was produced as a  
10 suspect, so GIB asked us if we could search the area and see  
11 if we could find Mr. Edwards.

12 Q. And what were you to do when you found him?

13 A. To bring him to GIB.

14 Q. So arrest him and bring him to GIB; is that correct?

15 A. Yes, sir.

16 Q. And what did you and the task force do in order to try  
17 to find Mr. Edwards?

18 A. We went in the area. Officer Mendoza was in a marked  
19 squad car and I was in an unmarked car, and we started  
20 driving around the area of Morningside. When Officer Mendoza  
21 was driving around and saw who he appeared -- he thought it  
22 was Roy Edwards, but he couldn't tell, so he called me in  
23 with the unmarked car. So we were driving the area and I  
24 made a few pass-bys to verify that it was him.

25 Q. Were you able to do that?

*TESTIMONY OF OFFICER MARK MARTIN*

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1 A. Yes, sir.

2 Q. What did you do once you verified it was him?

3 A. We saw him walk into a store at Whitney and  
4 Benjestown. And at that point I contacted the other  
5 officers, Officer Redding and Moore on our task force. And  
6 when he went into the store, I got them to go into the store  
7 to verify. Officer Moore and Officer Mendoza went into the  
8 store to visually 100 percent verify, because I was 99  
9 percent sure. Officer Moore went in and verified and at that  
10 point I was in the car.

11 THE COURT: Hold for one second. Do you know  
12 what --

13 MR. OLDHAM: I'm sorry, Your Honor. It's my  
14 computer. I apologize.

15 THE COURT: No, that explains it. Okay. Keep  
16 going.

17 BY MR. OLDHAM:

18 Q. So did you tell them where he went in?

19 A. Yes. I told them he went into the mini-mart right  
20 there at the corner of Whitney and Benjestown.

21 Q. And who went in after him?

22 A. Officer Moore went in first. Officer Redding went to  
23 the rear of the business. And Officer Mendoza went in right  
24 after Officer Moore.

25 Q. And did you eventually enter?

## TESTIMONY OF OFFICER MARK MARTIN

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1 A. Yes, I did.

2 Q. Once you eventually entered, what did you see when you  
3 entered?

4 A. When I first entered, I saw a female black laying up  
5 against -- across from the ATM. She was, lack of better  
6 words, hysterical crying. And I turned the corner and I saw  
7 that they had Roy Edwards, getting him in custody, and  
8 patting him down.

9 Q. And what did you understand that y'all were trying to  
10 find once you got in there?

11 A. A weapon that another officer had felt on him. A gun,  
12 handgun.

13 Q. And did you go about trying to do that once you  
14 entered?

15 A. Yes, sir. I started searching the area, once they  
16 took him out of -- got him in custody and took him out to the  
17 squad car. Started checking the immediate area, because I  
18 didn't know if a gun had fallen out when they were trying to  
19 get him in custody. So I was checking that immediate area of  
20 where he was and where his -- the female black that was  
21 hysterical was.

22 Q. Did Officer Mendoza do anything?

23 A. Yes. He was also checking the area with me to try to  
24 find it. And then he went and checked the video camera,  
25 because we saw that there was a camera pointing right in that

*TESTIMONY OF OFFICER MARK MARTIN*

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1 direction. He went and checked the video and saw where she  
2 had walked over behind the ATM and set something back there.  
3 At that point, I went back there, shined my flashlight. And  
4 behind the shelf, directly behind the ATM, there was a black  
5 handgun with an extended magazine.

6 Q. So you were the person who located it; is that  
7 correct?

8 A. Yes, sir.

9 MR. OLDHAM: Your Honor, if I could approach with  
10 a series of three photographs.

11 THE COURT: Yes, sir.

12 BY MR. OLDHAM:

13 Q. (Tendered.)

14 A. (Reviewing photos.)

15 Q. Did you recognize those?

16 A. Yes, sir.

17 Q. Is that the firearm?

18 A. Yes, sir.

19 MR. OLDHAM: Your Honor, if I make this the next  
20 numbered exhibit to this hearing.

21 THE COURT: It's a photograph of the firearm?

22 MR. OLDHAM: It's a photograph inside and then  
23 two of a closer-up version of this, once it was taken out  
24 from where it was.

25 THE COURT: All right. Okay. These three

TESTIMONY OF OFFICER MARK MARTIN

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1 photographs will be admitted as a collective exhibit. We'll  
2 call it Exhibit 2.

3 MR. OLDHAM: Thank you, Your Honor.

4 (Collective Exhibit No. 2 admitted into evidence.)

5 MR. OLDHAM: May I publish, Your Honor?

6 THE COURT: Yes, sir.

7 BY MR. OLDHAM:

8 Q. Officer, what does this show?

9 A. That shows where I located the black handgun with the  
10 extended magazine that was located behind the ATM, directly  
11 behind the ATM, behind a shelf.

12 Q. And then this is the same handgun, just pulled out; is  
13 that correct?

14 A. Yes, sir.

15 Q. And, again, I think it's trying to show the serial  
16 number; is that correct?

17 A. Yes, sir.

18 Q. That's a Taurus 9MM; is that correct?

19 A. Yes, sir.

20 MR. OLDHAM: Your Honor, if I could, I'm going to  
21 jump ahead on the video. If I could publish the video to  
22 Officer Martin. And just his part of locating -- what I  
23 think shows him locating, if that's okay. We're going to  
24 start at time stamp 14:47:10.

25 THE COURT: 14:47 what?



TESTIMONY OF OFFICER MARK MARTIN

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1 MR. OLDHAM: 14:47 -- it jumped ahead, now it's  
2 21, Your Honor.

3 THE COURT: Okay.

4 (Whereupon, video played.)

5 BY MR. OLDHAM:

6 Q. And what are you doing right now?

7 A. Right now I'm just checking any shelves in the area  
8 where the female was to see if maybe she placed a gun in the  
9 area.

10 THE COURT: That's you with your back to us?

11 THE WITNESS: Yes, sir, with the hat on.

12 BY MR. OLDHAM:

13 Q. All right. What just happened there at 14:47:45?

14 A. That's when I located the gun. Officer Mendoza was  
15 watching video footage. And at that time he told me that she  
16 went and bent down behind the ATM. So I went over there and  
17 checked where she had bent down and located the handgun.

18 Q. And that's when y'all signaled to Officer Mendoza that  
19 y'all had located it; is that correct?

20 A. Yes, sir.

21 Q. All right. Who were you asked to find that day?

22 A. Roy Edwards.

23 Q. Who did you identify going into the store?

24 A. Roy Edwards.

25 Q. And who was arrested that day?

TESTIMONY OF OFFICER MARK MARTIN

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1 A. Roy Edwards.

2 Q. Do you see him in the courtroom today?

3 A. Yes, sir.

4 Q. Would you point him out and tell us something he's  
5 wearing, please.

6 A. He has the beige jumpsuit on, his hair up, and has a  
7 black mask on.

8 MR. OLDHAM: Your Honor, if the record could  
9 reflect that the witness has identified the defendant, Roy  
10 Edwards.

11 THE COURT: The record will reflect that he's  
12 identified the defendant, Roy Edwards.

13 MR. OLDHAM: Thank you, Your Honor.

14 BY MR. OLDHAM:

15 Q. Someone else collected the gun that day; is that  
16 correct?

17 A. Yes, that is correct.

18 Q. Okay.

19 MR. OLDHAM: Okay. Your Honor, Mr. Nkrumah and I  
20 spoke before and he's okay with us just having the photo  
21 serve as the gun and not have to make the actual gun an  
22 exhibit.

23 THE COURT: That's fine.

24 MR. OLDHAM: Thank you, Your Honor.

25 MR. NKUMAH: That is correct, Your Honor.

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1 THE COURT: Okay.

2 MR. OLDHAM: Thank you for answering my  
3 questions. Please answer defense counsel's questions.

4 Your Honor, I pass the witness.

5 THE COURT: Yes, sir.

6 Cross-examination?

7 MR. NKRUMAH: Yes, Your Honor.

8 May I inquire, Your Honor?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. NKRUMAH:

12 Q. Good afternoon, Officer Martin.

13 A. Hey, how you doing?

14 Q. My name is Kafahni Nkrumah, I'm the attorney for  
15 Mr. Edwards. I'm going to ask you some questions about the  
16 arrest on March 19th. Okay?

17 A. Yes, sir.

18 Q. If you don't understand a question that I ask, please  
19 let me know. Okay?

20 A. Yes, sir.

21 Q. Okay. You stated that you were assigned to the Austin  
22 Peay Task Force the morning of the 19th of March of 2021;  
23 correct?

24 A. Yes, sir.

25 Q. And were you a part of the briefing the task force had

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1 that morning?

2 A. There wasn't a specific briefing. They had come in --  
3 someone had told us that we were looking for Roy Edwards.

4 Q. So it wasn't a specific briefing, but someone had came  
5 in and told you that you were looking for Roy Edwards.

6 A. Yes, sir. Every day we get there, it's not a sit-down  
7 briefing, but somebody from Task Force will go speak with  
8 GIB, and then bring in our duties for the day, who we need to  
9 find or --

10 Q. Do you know who that officer was that particular  
11 morning?

12 A. I do not recall that day.

13 Q. And what area -- you stated that you were looking in a  
14 certain area for Mr. Edwards; correct?

15 A. Yes, sir. Down in the area of Morningside/Sunrise  
16 area, where the shooting had occurred.

17 Q. Okay. And how were you first alerted that Mr. Edwards  
18 may be in the area?

19 A. Oh, we weren't alerted that he was -- I was alerted by  
20 Officer Mendoza. But we were just going in the area to check  
21 to see if we could get eyes on him or see if he was walking  
22 around.

23 Q. And Officer Mendoza alerted you on the car radio?

24 A. Yes, sir.

25 Q. And what exactly did he say --

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1 A. I don't remember --

2 Q. -- if you remember?

3 A. -- word for word, but he just told me that he had a  
4 suspect that he believed could be Mr. Edwards. But being in  
5 a marked squad car, the gentleman that he believed was Roy  
6 Edwards kept turning his head away when he'd drive by. So he  
7 called for me to come by in an unmarked car.

8 Q. Did he provide a description of this gentleman?

9 A. I don't recall at the time.

10 Q. Did he tell you where the gentleman was located in the  
11 area?

12 A. Yes. He first saw him at the corner of Juliet and  
13 Morningside.

14 Q. And how far were you from that area when you first  
15 received this transmission?

16 A. I was at Dawn and Frayser, so that's about a quarter  
17 of a mile away.

18 Q. And you proceeded back to the area of --

19 A. Well, it's all in the same area.

20 Q. So you just continued --

21 A. I just circled around and came by him.

22 Q. So you just circled around and continued your patrol;  
23 correct?

24 A. I specifically drove by to verify to see if that was  
25 Roy Edwards, when I drove by, after Officer Mendoza asked me

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1 to come check the individual.

2 Q. Now, you stated that you were able to identify him.

3 A. Yes.

4 Q. What was he wearing that day?

5 A. That day he was wearing a red hoodie. I'm not sure  
6 about the pants.

7 Q. Did he have the hood up or was it down?

8 A. He did have the hood up.

9 Q. Did he have a mask on that day?

10 A. Not that I recall.

11 Q. How many times did you have to pass the individual  
12 before you decided it was Mr. Edwards?

13 A. I don't know the exact number, but I would say it was  
14 around four or five times.

15 Q. So you drove by four or five times?

16 A. In an unmarked car.

17 Q. Okay. And that covered how many blocks that  
18 Mr. Edwards was walking?

19 A. I don't recall how many blocks.

20 Q. But during the time that you were driving by,  
21 Mr. Edwards was walking; correct?

22 A. Yes.

23 Q. Was he walking with anyone else?

24 A. Yes. He was walking with a female black.

25 Q. Now, you testified that you observed Mr. Edwards enter

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1 a store; correct?

2 A. Yes, sir.

3 Q. And after observing Mr. Edwards enter the store, what  
4 did you do after that?

5 A. Then I contacted the other members of our task force.  
6 Since Officer Mendoza was already in contact with me and we  
7 were communicating, I contacted Officer Moore and Officer  
8 Redding to come over to the mini-mart to go inside.

9 Q. And you contacted them to go inside to verify your  
10 identification; correct?

11 A. To verify him and take him into custody by what I had  
12 already seen.

13 Q. Take him into custody if that was in fact him?

14 A. Yes, sir.

15 Q. Okay. When were you notified that your identification  
16 was verified? Was it before you entered the store or after?

17 A. I don't recall.

18 Q. Now, you stated that you entered the store. You  
19 entered the store after Officer Moore and Mendoza?

20 A. Yes, sir.

21 Q. Okay. How long after?

22 A. I don't recall how long after. Shortly after.

23 Q. Now, when you entered the store, Mr. Edwards was  
24 already in custody?

25 A. Yes, sir, he was already placed in cuffs and they were

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1 patting him down.

2 Q. And they were patting him.

3 Did you notice a firearm on Mr. Edwards at that time?

4 A. No, not at that time.

5 Q. Do you know if a firearm was found on Mr. Edwards at  
6 any time?

7 A. Not to my knowledge on him.

8 Q. Not on his person.

9 A. I had nothing to do with finding a firearm on him.

10 Q. Okay. Now, at the time that you entered the store,  
11 did you notice where his sister was?

12 A. Well, I didn't know that to be his sister at the time.  
13 But after the fact, yes, I saw where she was.

14 Q. And where was she?

15 A. She was standing right next to the ATM on one of the  
16 Powerball ticket machines, laying her head -- with her head  
17 in her hands crying.

18 MR. NKRUMAH: One second, Your Honor.

19 THE COURT: Yes, sir.

20 (Short pause.)

21 MR. NKRUMAH: No further questions, Your Honor.

22 THE COURT: All right. Before you ask any  
23 questions, Mr. Oldham, can I ask one question.

24 Officer Martin, you said that when you drove by,  
25 you drove by three or four times I guess, and positively



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1 identified Mr. Edwards.

2 THE WITNESS: Yes, sir.

3 THE COURT: How did you know it was Mr. Edwards?

4 THE WITNESS: Because I -- before when --  
5 whenever they give us anybody to go look for, I do my  
6 research and look up photos of them, old booking photos,  
7 driver's license photos, anything that I could to make sure I  
8 can visually identify.

9 THE COURT: Okay.

10 All right. Does that prompt any questions for  
11 you, Mr. Nkrumah?

12 BY MR. NKRUMAH:

13 Q. Officer Martin, at the time of your identification of  
14 Mr. Edwards, did you have those photos with you?

15 A. I with my -- what we call our PDA, the  
16 department-issued phone, and I had his driver's license photo  
17 pulled up.

18 Q. And were you the recorder or driver in the vehicle at  
19 the time?

20 A. I was the only person in the unmarked vehicle. I was  
21 the driver.

22 Q. So when you identified Mr. Edwards, were you driving  
23 or were you -- were you driving when you identified  
24 Mr. Edwards?

25 A. At different times. That's why I made several passes,

1 because I wanted to be a hundred percent sure that who I was  
2 seeing walking down the street was the same person I saw in  
3 that picture.

4 Q. So the entire time you were driving when you were  
5 making these identifications; correct?

6 A. Yes, sir.

7 Q. You had not stopped the vehicle at any time; correct?

8 A. I was driving very slowly past him.

9 Q. And you were driving slow so you could get a better  
10 look at the person?

11 A. Yes, sir. That's why I made several passes, because I  
12 didn't want to make a mistake on who the identification was.

13 MR. NKRUMAH: No further questions, Your Honor.

14 THE COURT: All right. Redirect?

15 MR. OLDHAM: No, Your Honor. Thank you.

16 THE COURT: All right. Officer Martin, thank  
17 you, sir.

18 MR. OLDHAM: May he be excused, Your Honor?

19 THE COURT: Yes.

20 (Whereupon, witness excused.)

21 MR. OLDHAM: That's the Government's proof,  
22 Your Honor.

23 THE COURT: All right. Mr. Nkrumah?

24 MR. NKRUMAH: No proof, Your Honor.

25 THE COURT: All right. I guess we can turn the

1 mics off.

2 Mr. Nkrumah, do you want to be heard?

3 MR. NKRUMAH: Yes, Your Honor.

4 Your Honor, it's our contention that the officers  
5 did not have probable cause at the time that Mr. Edwards was  
6 seized in the store by Officer Moore and arrested.

7 Your Honor, any arrest, whether normal or  
8 de facto, requires probable cause, Centanni versus Eight  
9 Unknown Officers, 15 F.3d 587, 592; also, Gardenhire v.  
10 Schubert, 205 F.3d 303.

11 THE COURT: Hold on. I'm going to give you a  
12 microphone. Or Mr. Knox is anyway.

13 MR. NKRUMAH: Better, Your Honor?

14 THE COURT: Yes, sir.

15 MR. NKRUMAH: Your Honor, it's understandable  
16 here in the Sixth Circuit that a victim's identification --  
17 or a victim's accusation of a crime standing alone can be  
18 sufficient to establish probable cause. What the Sixth  
19 Circuit is usually -- has usually announced that rule in the  
20 context of sexual assaults, Your Honor, but we do understand  
21 that that rule can also apply to aggravated assaults and  
22 other offenses.

23 But the presumption of the veracity applies only  
24 where the witness is someone with respect to whom there is no  
25 apparent reason to question the person's reliability. Jerome

1 versus Crum, 695 Fed. Appx. 935, 941.

2 Your Honor, in this case there was reason to  
3 question Mr. Bitman's [sic] statement given in response to  
4 this aggravated assault. To begin with, Your Honor,  
5 Mr. Bitman [sic] could not identify the address of the  
6 shooting, even though he did give a description of the house  
7 and it was eventually located by the officer, despite this  
8 being a friend's residence that he was allegedly going to.

9 His reasons, Your Honor, when questioned by the  
10 officer, by Sergeant Martin, during Sergeant Martin's  
11 investigation, the reason that he gave for the shooting was  
12 that he knew that they had a beef, but he doesn't know why --  
13 what the beef was actually about.

14 There was no corroboration of Mr. Bitman's  
15 statement. There were no witnesses able to corroborate the  
16 incident, including the friend that he had went to see. No  
17 one spoke to the officers to corroborate Mr. Bitman's  
18 statements.

19 And sometimes, Your Honor, rivals, as it appears  
20 Mr. Bitman and Mr. Edwards may have been, enlist the help of  
21 the police to eliminate their rivals by accusing them of  
22 false allegations or accusing them of allegations they know  
23 that they didn't commit in order for the police contact to  
24 ensue.

25 Based on the statement that was given by

1 Mr. Bitman, Your Honor, even though he was speaking to  
2 Memphis Police Department officers and it was recorded,  
3 Mr. -- there's no testimony from anyone, including  
4 Sergeant Martin that an Affidavit of Complaint was actually  
5 signed on the 18th or the 19th by Mr. Bitman. An Affidavit  
6 of Complaint being signed by Mr. Bitman, Your Honor, would  
7 have turned Mr. Bitman's alleged statement into a more  
8 reliable statement. And the fact that signed statements,  
9 Your Honor, against the penalty of perjury of law carry  
10 greater weight.

11 THE COURT: Can you check your mic.

12 MR. NKRUMAH: Carries greater weight.

13 THE COURT: I don't think it's -- is it on?

14 CASE MANAGER: It's on.

15 THE COURT: It doesn't sound like it.

16 MR. NKRUMAH: It just died.

17 THE COURT: It's par for the course. That's all  
18 there is to it.

19 If you would, just yell, will you.

20 MR. NKRUMAH: Your Honor, the fact that  
21 Mr. Bitman's statement was not -- the fact that Mr. Bitman  
22 did not give a signed statement on the 18th or the 19th or no  
23 testimony was introduced that he had -- we attest,  
24 Your Honor, goes towards the reliability of the statement.

25 As I stated a moment ago, a signed statement, a

1 signed Affidavit of Complaint by Mr. Bitman would have shored  
2 up the reliability because of the penalties of perjury  
3 associated with the signing.

4 Because no statement was signed, and no formal  
5 complaint at that time was made by Mr. Bitman, the fact that  
6 there were no corroborating witnesses to the events, the fact  
7 that at the time Mr. Edwards was arrested there had been no  
8 corroboration by video, no corroboration by any other method  
9 to corroborate Mr. Bitman's story.

10 And, again, Your Honor, because of the fact that  
11 Mr. Bitman hedged on explaining to the officers what the beef  
12 between him and Mr. Edwards was about, the officer did not --  
13 was not able to testify as to how Mr. Bitman was familiar  
14 with Mr. Edwards in order to point him out, was not able  
15 to -- the fact that Mr. Bitman was also not able to identify  
16 the residence, even though it belonged to a friend of his who  
17 he had been allegedly going to see about fixing his vehicle,  
18 the fact that Mr. Bitman, Your Honor, drove off without  
19 contacting authorities afterwards, all of these facts,  
20 Your Honor, would have led a reasonable prudent officer to  
21 conduct further investigation.

22 We do understand, Your Honor, that in this  
23 district there is no -- there is no requirement that officers  
24 conduct further investigation, unless there are reasons that  
25 lead to further verifying information that they've received.

1 In this case, Your Honor, we state that there was further  
2 verification needed, based on the spotty information given by  
3 Mr. Bitman. The only information given by Mr. Bitman was the  
4 fact that he identified Mr. Edwards as the shooter, which was  
5 never corroborated, and that was it. And his injuries, Your  
6 Honor, which it's not contested that Mr. Bitman was in fact  
7 injured in a shooting.

8 One second, Your Honor.

9 THE COURT: Yes, sir.

10 MR. NKRUMAH: For all those reasons, Your Honor,  
11 we state that the weapon that was found, for all those  
12 reasons, Your Honor, we state that not only did Officer  
13 Martin at the time of Mr. Edwards' arrest not have  
14 probable -- sufficient probable cause in order to place  
15 Mr. Edwards under arrest -- maybe, Your Honor, sufficient  
16 probable cause to continue an investigation by questioning,  
17 but not probable cause to place him under arrest. Which  
18 entailed -- implies that the officers who actually arrested  
19 Mr. Edwards, even though they were notified by fellow  
20 officers, did not have sufficient probable cause to make an  
21 arrest of Mr. Edwards.

22 Under the Terry doctrine, Your Honor, we imply  
23 that the officers had a right to question further  
24 Mr. Edwards, but not place him under arrest.

25 It is clear from the video, Your Honor, that was

1 shown by the prosecution in this case, that Mr. Edwards was  
2 immediately placed under arrest, was not questioned by  
3 Officer Moore when first approached. It's clear that  
4 Officer Moore took control and seized Mr. Edwards at first  
5 contact at the back of the store, by placing the first arm  
6 that she was able to grab behind his back, placing the second  
7 arm behind his back, able to take her handcuffs out of her  
8 handcuff case and attempt to handcuff Mr. Edwards.

9 At that time, Your Honor, is when Mr. Edwards'  
10 sister intervened and then the other officer intervened into  
11 the scuffle. Before that, Your Honor, the other officer was  
12 standing, observing Officer Moore place Mr. Edwards, who was  
13 not resisting, was not -- and was complying with the  
14 directions, was complying with Officer Moore's nonverbal  
15 directions of placing his hands behind his back, and leaving  
16 his hands behind his back in order for Officer Moore to take  
17 her handcuffs out, while still in control of my client, who  
18 did not attempt to leave the area or the scene.

19 For all those reasons, Your Honor, we ask that  
20 the weapon that was found, the firearm that was found at 692  
21 Whitney, be suppressed because the officers did not have  
22 probable cause to arrest Mr. Edwards at that time. Thank  
23 you.

24 THE COURT: Thank you, Mr. Nkrumah.

25 Mr. Oldham?



1 MR. OLDHAM: Yes, Your Honor.

2 First, Your Honor, defense counsel never said  
3 that Mr. Edwards possessed the gun. He implied that maybe  
4 the sister -- through his questioning, maybe the sister had  
5 the gun. He never said, my client had a gun and the police  
6 couldn't search him and so the gun should be suppressed. If  
7 he's not even saying that he has possessory interest in the  
8 gun, then he doesn't have standing to file this motion in the  
9 first place.

10 Next, on the area of standing, once Mr. Edwards  
11 allows his sister to take the gun out of his pocket and go  
12 hide it, they've abandoned it there by the ATM. Again, not  
13 having standing to say that this should be suppressed.

14 But the actual issue I want to focus on is the  
15 fact that there was probable cause, Your Honor. Defense made  
16 a naked accusation of Mr. Bitman having some sort of vendetta  
17 against the person who shot him, saying that they were rivals  
18 and he may have said something about him because they're  
19 rivals. There's no proof.

20 I think the statement was from the officer that  
21 Mr. Bitman told him that they had a beef. And there's no  
22 other indication that there's anything else going on, other  
23 than him saying that we had a beef. Mr. Bitman was able to  
24 tell the police where he was. He didn't know the actual  
25 physical address, but he did tell the police where he was.

1           Also, he did leave the scene, but I think the  
2 Court would be allowed to infer that he left the scene  
3 because someone was actively shooting him at the scene, and  
4 he wanted to get away from the person shooting him before  
5 they did further damage, and to call the police. I'm sure if  
6 he could have called a timeout during the shooting to call  
7 the police, he would have. But I don't think he had that  
8 option.

9           The defense also recommends to the Court that  
10 there's two levels of probable cause, one for questioning and  
11 one for arrest. The Government would submit that once  
12 probable cause is formed, there may be an arrest.

13           The officer, the investigator, Sergeant Martin,  
14 relied on something in this case, Your Honor. And he does  
15 have a signed statement. He showed me. This Roy Edwards,  
16 Dirty Shirt. Joe Bitman.

17           Your Honor, that's a statement enough for there  
18 to be probable cause in this case. That is a written  
19 statement of identification of someone who shot him.

20           So then an officer of the law has to ask, what is  
21 the motivation of my witness? And the motivation is to tell  
22 him who just shot him, not days later when he's had a chance  
23 to say who's my rival and I'm not going to tell him the right  
24 person, I'm going to tell him the person I don't like, and  
25 I'm just going to let the person who shot me in the hand run

1 free.

2           The officers did what they could. They went back  
3 out to the scene. They knocked on doors. Nobody gave them a  
4 statement. They pulled a video showing that the shooting  
5 actually happened, and they talked to the victim and said,  
6 who shot you? And he said, Roy Edwards. And this is just a  
7 matter of hours after he had been shot.

8           This isn't a beyond a reasonable doubt, but the  
9 Government submits that if we presented this to a jury they  
10 could find that he was shot beyond a reasonable doubt. This  
11 is a probable cause standard, Your Honor, and there was  
12 probable cause to believe that Roy Edwards shot Mr. Bitman  
13 that day.

14           The next day, task force officers can say wanted  
15 for questioning, we need to arrest him. They wanted him  
16 brought in. I don't think that the words they used matter.  
17 They knew that they were supposed to go out and arrest  
18 somebody, because they had probable cause to believe that he  
19 had shot somebody the day before.

20           The officers met that person in the store. I  
21 would submit there was some resisting. If not, I don't know  
22 what the one-minute wrestling match was. If Mr. Edwards went  
23 straight into custody, I don't know why they all did whatever  
24 they did there for a minute if there was no resisting. And I  
25 think it's clear what happened after that, and where they

1 found the gun.

2 So the Government would ask, respectfully, for  
3 you to overrule the motion and allow us to move forward with  
4 the evidence.

5 THE COURT: All right. Mr. Nkrumah, you want the  
6 last word?

7 MR. NKRUMAH: Briefly, Your Honor.

8 Your Honor, in response to the Government's  
9 argument, on the issue of abandonment, Your Honor, we would  
10 contend that the legal police conduct necessitates the  
11 abandonment issue being taken out of the equation. And that  
12 there was no abandonment because of the illegal police  
13 contact, Your Honor.

14 As far as probable cause for --

15 THE COURT: I might be able to stop you there.  
16 Let me just say this. If the arrest itself was illegal --

17 MR. NKRUMAH: Yes, that's correct, Your Honor.

18 THE COURT: The officer felt a gun during that  
19 encounter, or what he thought was a gun, and that's what led  
20 them to stick around and look for what appears to be the  
21 sister putting behind the ATM machine. So, to me, I tend to  
22 agree with you that abandonment would not necessarily come  
23 into play. But that means if the original arrest was  
24 unlawful.

25 MR. NKRUMAH: Your Honor, again, we do believe

1 that the original arrest was unlawful.

2 The circled picture, Your Honor, the circled  
3 photo array with the statement at the bottom of the photo  
4 array, Your Honor, was not made under the threat of perjury,  
5 Your Honor. It's not an affidavit for complaint that would  
6 be observed by an officer of the Court, a judge or a  
7 magistrate making probable cause determination, Your Honor.  
8 And just because Mr. Bitman pointed out Mr. Edwards in photo  
9 array, again, Your Honor, it doesn't -- it does not take his  
10 statement to that level of reliability that's needed for  
11 probable cause to be attained in this matter.

12 Again, Your Honor, we submit that Officer Martin,  
13 based on his interview with Mr. Bitman, did not have  
14 sufficient probable cause to have Mr. Edwards arrested. And  
15 we ask that this Court grant Mr. Edwards' motion to suppress.

16 THE COURT: Well, I'm going to -- the only reason  
17 I'm not going to rule right now is because I've got a call in  
18 five minutes. I would recommend that y'all get ready for  
19 trial. And I'm going to probably going to get with Mr. Knox  
20 and find a day either next week or the week after and have  
21 you back and we'll rule on the motion.

22 I appreciate your time, and we'll talk to y'all  
23 again probably in the next, I'm saying, week to ten days.  
24 Okay.

25 MR. NKRUMAH: Thank you, Your Honor.

1                   THE COURT: Thank y'all. Hearing concluded.

2                   (Adjournment at 3:58 p.m.)

C E R T I F I C A T E

I, CATHERINE J. PHILLIPS, Fellow of the Academy of Professional Reporters, Registered Merit Reporter, Certified Manager of Reporting Services, do hereby certify that the foregoing 94 pages are, to the best of my knowledge, skill, and abilities, a true and accurate transcript from my stenotype notes of the MOTION TO SUPPRESS on the 8th day of September, 2021, in the matter of:

UNITED STATES OF AMERICA

vs.

ROY EDWARDS

Dated this 8th day of October, 2021.

S/ CATHERINE J. PHILLIPS, FAPR, RMR, CMRS  
Official Court Reporter  
United States District Court  
Western District of Tennessee